

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Clarification of Endangered Status of Virgin Islands Tree Boa, *Epicrates monensis granti*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service is presently reviewing the status of various species of animals listed as Endangered or Threatened prior to 1975. During the course of the review, it was discovered that a change in the scientific nomenclature of the Virgin Islands tree boa may create confusion over its endangered status. This rule clarifies this species' status and gives notice that this species is protected as Endangered under provisions of the Endangered Species Act of 1973, as amended in 1978.

DATES: The Virgin Islands tree boa was listed as a subspecies of the Puerto Rican boa on October 13, 1970. This clarification is effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(c)(4) of the Endangered Species Act of 1973, as amended,

requires the Service to conduct a status review of all species listed at least once every five years. Accordingly, a notice of status review was published in the *Federal Register* of May 21, 1979 (44 FR 29566-29577) that such a review would be conducted. Included among the species to be reviewed was the "Puerto Rican" boa, *Epicrates inornatus*. This species, including all subspecies, was listed as Endangered on October 13, 1970 (35 FR 16047). During the course of the review, the Service discovered that because of a change in nomenclature, boas indigenous to the Virgin Islands had been omitted from the U.S. List of Endangered and Threatened Wildlife and Plants.

In the early 1970's, Dr. James A. Peters (U.S. National Museum) and a committee on Rare and Endangered Wildlife Species prepared a list of species and subspecies of amphibians and reptiles which was submitted to the then Bureau of Sport Fisheries and Wildlife. While not every species recommended was eventually listed, this recommendation formed the basis for listing the Puerto Rican Boa. In his report, Peters gave the range as "Puerto Rico; a single recent record from St. Thomas; reported from Tortola in the British Virgin Islands". In addition, he gave examples of problems this snake encountered in the Virgin Islands. At this time, the Virgin Islands population was recognized as a subspecies, *Epicrates inornatus granti* (see Stull, 1933, Occ. Papers Mus. Zool. Univ. Michigan (267):1). It is therefore clear

that the Virgin Islands boas were included as Endangered under the name *Epicrates inornatus*.

In 1974, Sheplan and Schwartz (1974, Ann. Carnegie Mus. 45(5):102) relegated the Virgin Islands population to the species *Epicrates monensis*, which then recognized *E. m. monensis* from Mona Island in Puerto Rico and *E. m. granti* from the U.S. and British Virgin Islands. This nomenclatural change was never included in the *Federal Register* or 50 CFR 17.11 so it has generally been overlooked that boas in the Virgin Islands are protected as Endangered. The purpose of this notice is to clarify this confusion, and insure that boas in the Virgin Islands are accorded full protection of the Endangered Species Act of 1973, as amended.

Because this rule is only a technical correction to the Endangered Species list, there is good cause to waive notice and comment for this rule, and to make it effective immediately. The technical change only updates the taxon's correct scientific name, and so it is unnecessary as well as contrary to the public interest to delay the listing by requiring a proposed rulemaking or to delay its effective date.

Accordingly, the List of Endangered and Threatened Wildlife (Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations) should be corrected as follows:

1. By adding the Virgin Islands tree boa alphabetically, under "Reptiles" as indicated below:

§ 17.11 Endangered and threatened wildlife.

| Species | | Range | | | Status | When listed | Special rules |
|--------------------------------|--|------------|---------------------------------------|--------------------|--------|-------------|---------------|
| Common name | Scientific name | Population | Known distribution | Portion endangered | | | |
| Boa, Virgin Islands tree | <i>Epicrates monensis granti</i> | NA | U.S. and British Virgin Islands | Entire..... | E | 2 | NA |

This notice was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235-1975).

Note.—The Service has determined that this document is not a significant rule nor does it require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR 14.

Dated: November 27, 1979.

Robert E. Gilmore,

Acting Director, Fish and Wildlife Service.

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